

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes

August 7, 2008

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on August 7, 2008.

MEMBERS PRESENT

Rick Hessig, Chairman
Roger McDonald, Vice-Chairman
Jim Ringo
Mary Pedersen
Gary Tinker
Mike Ober

OCCUPATIONS & PROFESSIONS STAFF

Gerald W. Hoppmann, Division Director
Susan Ellis, Fiscal Section Supervisor
Adriana Lang, Board Administrator

OTHERS PRESENT

Ryan Halloran, Attorney
Ryan Keith
Larry Bond

MEMBERS ABSENT

William Witten

CALL TO ORDER

The Chairman, Mr. Rick Hessig, called the meeting to order at 1:00 p.m.

Mr. Larry Bond was present and introduced himself as Deputy Secretary of the Public Protection Cabinet Secretary's Office.

Mr. Ryan Keith was present and introduced himself as General Counsel of the Public Protection Cabinet Secretary's Office.

APPROVAL OF MINUTES

The minutes of the June 5, 2008 meeting was called to the attention of the members. After a brief discussion related to paragraph #6 under New Business (Complaint Procedure), a motion was made by Mr. Jim Ringo to approve the minutes. The motion, seconded by Ms. Mary Pedersen, carried.

FINANCIAL STATEMENT

The Board reviewed the Financial Statements indicating the balances of \$108,286.79 from July 1, 2007 to May 31, 2008 and July 1, 2007 June 30, 2008 of \$142,920.85. A motion was made by Mr. Roger McDonald to accept the Financial Statements. The motion, seconded by Ms. Mary Pedersen, carried.

DIRECTOR'S REPORT

Mr. Gerald Hoppmann discussed the Memorandum of Agreement between the Board and Schroeder Measurement Technology (SMT) and that it only needed to be signed by the Chair to be final. He stated the next step was to coordinate a block of time when the Subject Matter Expert (SME) Focus Group could meet with SMT's Exam Development Team.

A motion was made by Mr. Mike Ober to invite two members from each professional association (Kentucky Private Investigators Association and Kentucky Society of Professional Investigators) to join the Focus Group for purposes of text development and study guide development; request that they sign SMT's Affidavit of Disclosure; and be reimbursed per state guidelines. The motion seconded by Ms. Mary Pederson, carried.

The Board asked Mr. Gerald Hoppmann to work with Mr. Tinker to come up with an acceptable block of time to meet with SMT of exam development.

He also provided the Board with an update on regulations 201 KAR 41:020 (application for licensure); 410:040 (fees); 41:060 (renewal and reinstatement procedures); 41:065 (inactive status); and 41:070 (continuing professional education requirements). Public comments will be accepted through September 30, 2008.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report of August 7, 2008.

COMPLAINT COMMITTEE'S REPORT

Mr. Ryan Halloran provided an update to complaint 07-001 and related letter of admonishment. Mr. Jim Ringo made a motion to withdraw the first letter of admonishment, and authorize Mr. Halloran to draft a second letter for discussion and review by the next scheduled meeting. The second letter takes into consideration information provided by the individual of the complaint, during the Complaint Screening Committee. The motion, seconded by Mr. Gary Tinker, carried.

Mr. Mike Ober made a motion to dismiss complaint 08-002. The motion, seconded by Mr. Gary Tinker, carried. The Board requested their attorney to draft dismissal correspondence to the licensee and copy the complainant.

Mr. Mike Ober made a motion for the attorney to send a Cease and Desist letter to complaint 08-003. The motion, seconded by Mr. Gary Tinker, carried.

Mr. Mike Ober made a motion for the attorney to send a Cease and Desist letter to complaint 08-004. The motion, seconded by Mr. Gary Tinker, carried.

Mr. Rick Hessig informed the Board that he received a telephone call from an individual (Bob Epley) regarding a letter that was mailed with Mr. Hessig's signature. Mr. Hessig was not aware of this letter. He specifically asked Occupations & Professions staff if they sent a letter to this particular individual; they had not heard of the individual. Mr. Halloran suggested that Mr. Hessig request a copy of the letter for further discussion.

Mr. Tinker addressed the Board about the possibility of an anonymous complaint form, which could also be used for unlicensed individuals. Mr. Halloran and Mr. Hoppmann stated they would draft a form for discussion at the next meeting. Mr. Hoppmann also stated there is a window of opportunity to make changes to forms that are incorporated by reference to the recently filed regulations. He also stated that technical amendments can be filed with the Regulations Compiler for non-substantive changes.

ATTORNEY'S REPORT:

Mr. Ryan Halloran informed the Board that he is currently working with the Division of Occupations and Professions to follow-up and/or finalize actions related to previous Board requests for legal assistance. Mr. McDonald made a motion to file an injunction related to Brian Finney. The motion, seconded by Mr. Ringo, carried.

OLD BUSSINESS

The Board reviewed e-mails and correspondences regarding requests from the National League of Licensed Investigators, Inc. to be placed on the Board's webpage, and to be exempt from board review re: continuing education. Mr. Rick Hessig was concerned about correspondence from Occupations and Professions staff requesting additional information from the association. Mr. Hoppmann stated he drafted the administrative correspondence for staff's signature, which he discussed with the Board's attorney. The correspondence was sent as a result of a previous request by the Board for additional information from the association, because of its earlier requests to be included on the Board's webpage.

The Board discussed that listing associations on their website is causing misunderstanding to the public/associations related to what inclusion actually means in terms of recognition. For that reason, the Board agreed to remove links of any associations from their website. Mr. Mike Ober made a motion to remove the associations from the website. The motion, seconded by Mr. Gary Tinker, carried. The Board authorized Mr. Gerald Hoppmann to notify the National League of Licensed Investigators, Inc., stating that the Board no longer list associations on their website.

Mr. Hoppmann and Mr. Halloran will review and discuss the legal innuendo contained in some of the previous email from the association.

The Board reviewed correspondence from Michael Kessler regarding licensure requirements.

The Board reviewed correspondence from the Federal Bureau of Investigation regarding the audited result.

NEW BUSINESS

The Board reviewed correspondence from Dennis Crawford requesting exemption of licensure for Midsouth Accident Reconstruction and stating that his company is a sole proprietor. The Board agreed to allow Mr. Crawford's company sole proprietor license on its expiration date.

The Board reviewed correspondence from the Federal Bureau of Investigation regarding the finger prints.

The Board reviewed an e-mail from the fiscal section stating that effective July 1, 2008 the mileage reimbursement is .49 cents.

Mr. Gary Tinker provided the Board a report on the KPIA meeting. Mr. Mike Ober made a motion to approve reimbursement for Mr. Tinker's expenses on the KPIA meeting. The motion, seconded by Ms. Mary Pedersen, carried.

The Board discussed the continuing education requirements and reciprocal agreement pursuant to 329A.025.6.(m). Mr. Roger McDonald made a motion to approve Mr. Rick Hessig, as a representative of the Board, to attend the 2008 International Association of Security and Investigators Regulators (IASIR) Annual Conference (November 3, 2008). The motion, seconded by Mr. Mike Ober, carried.

APPLICATION REVIEW COMMITTEE

Mr. Gary Tinker gave the following report from the Applications Review Committee. Mr. Jim Ringo made a motion to approve the applications committee recommendations. The motion, seconded by Mr. Mike Ober, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *David Bennett, Jeff Casey, Mark Catron, John Frisbie, Mary Keigley, Richard Liebe, William Richardson, Marvin Scruggs, Michael Taylor and Nick Valle.*

INDIVIDUAL DEFERRED FOR ADDITIONAL DOCUMENTATION: *Greg Kittel.*

INDIVIDUAL RECIPROCAL APPROVED WITH PROVISIONS: *Ronald Capehart.*

RENEWAL APPROVED: *Monty Stout.*

RENEWAL APPROVED WITH PROVISIONS: *Garth Vanskike, Paul Weaver and Gene Weaver Associates.*

RENEWAL DEFERRED FOR ADDITIONAL DOCUMENTATION: *Brian Babbs, Lee Adam England and Stephen Smith.*

RENEWALS AUDIT APPROVED: *Larry Adams, Rebecca Barnett, Albert Borne, James Buscher, Ronald Carroll, Rusty Colon, Jeff Connor, Larry Fore, Rodney Fowler, Richard Gullede, Keith Haire, Terry Hammond, Norman Hougland, David Ivory, Jack King, Maurice Kirby, Charles Knoll, Arthur Miler, Albert Spencer, James Stephens and Timothy Thompson.*

RENEWALS AUDIT APPROVED PENDING ADDITIONAL DOCUMENTATION: *Dennis Crawford, Morris Gabafer and Steven Weddington.*

CONTINUING EDUCATION APPROVED: *2008 Florida Association of Private Investigators Litigation Conference and Investigators Seminar and NSPII 2008 Advanced Insurance Fraud Seminar.*

TRAVEL AND PER DIEM

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Roger McDonald, carried.

ADJOURNMENT

The Chairman, Mr. Rick Hessig, informed the Board that the next meeting is scheduled for Thursday, September 4, 2008, at 1:00 p.m., the Application Review Committee Meeting at 10:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Jim Ringo to adjourn. Motion seconded by Mr. Roger McDonald, carried. The meeting adjourned at 5:00 p.m.

APPROVED